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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/735,906

12/16/2003

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EXAMINER

EISEMAN, ADAM JARED

ART UNIT

PAPER NUMBER

3736

MAIL DATE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/735,906	<b>Applicant(s)</b> SOH ET AL.	
	<b>Examiner</b> ADAM J. EISEMAN	<b>Art Unit</b> 3736	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7-13 and 15-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-5, 7-13 and 15-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. This action is responsive to applicant's amendments and arguments/remarks filed on 4/30/2008.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims 1-5, 11-13, and 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukumoto et al (US 6,380,923) in view of Mori (US 2003/0181817) and Vock et al (US 2003/0163287).

5. Fukumoto discloses an apparatus and method for detecting finger-motion in an wireless manner comprising:

- A finger-motion detecting unit (R11-R15 in figure 1), which is configured to be attached to a user's finger, is operated using a battery (column 5, lines 39-42)

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and is configured in the form of a switch (column 5, lines 42-48) and is adapted to generated a finger-motion signal when the switch is turned on;

- A finger-motion signal transmitting unit (radio wave equivalent to LD1-LD5 in figure 2; column 10, lines 31-34), which is operated using the battery, receives the finger-motion signal provided from the finger-motion detecting unit, modulates the finger-motion signal to have information on which finger is moved (column 6, lines 20-25), and transmits (radio wave equivalent to the 'LIGHT' in figure 2; column 10, lines 31-34) the modulated finger-motion signal in a wireless manner; and
- A finger-motion signal receiving unit (WT1), which receives and reads the modulated finger-motion signal provided from the finger-motion signal transmitting unit to determine which finger is moved,
- Wherein the finger-motion signal transmitting unit and the finger-motion signal receiving unit are configured to be attached to the user's hand (see figure 1).

The method steps of claim 11 are similarly met as noted above. However, Fukumoto does not expressly disclose a wireless power signal as set forth in claims 1 and 11; or the use the specific use of a RFID chip to serve as an identifier and transmitter as set forth in claims 1 and 11.

Mori teaches using a wireless power signal to power a sensor device for the purpose of eliminating the need for battery or cable and the space requirements associated therewith (paragraph 21, lines 11-14). In particular, Mori teaches outputting a wireless power signal from a receiving unit (20A in figure 4A) and operating a

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detecting unit and transmitting unit (10A) with the wireless power signal. Mori further teaches converting a predetermined wireless power signal into a predetermined amount of power (paragraph [0081]).

Vock teaches a movement monitoring system which uses an RFID chip driven by battery power, stores the ID of the object being monitored, and is adapted to store a motion signal inputted from the movement monitoring device, and transmit the motion signal into a encoded motion signal (paragraphs [0008]-[0028]).

Regarding claims 1 and 11; it would have been obvious to one of ordinary skill in the art at the time of the invention to have used a wireless power signal as taught by Mori in the apparatus and method of Fukumoto in order to achieve the predictable result of providing power to the detecting unit and transmitting without the need for a battery or cable and the associated space requirements. Furthermore, it would have been obvious to one of ordinary skill in the art at the time of the invention to substitute Fukumoto's light based finger-motion/data transmission tracking system with Vock's RFID motion monitoring tracking system for transmitting motion/location as simple substitution of one known element for another to obtain predictable results.

Regarding claim 2; Mori further teaches a coil unit (at least 12A) which generates a predetermined amount of power and outputs data to a receiving unit. Fukumoto discloses a control unit (see R11-R15 in figure 2) that temporarily stores a finger-motion signal inputted from the finger-motion detecting unit, and converts the finger motion signal into the modulated finger motion signal.

Regarding claims 3 and 12; Mori teaches converting an alternating current power generated by the coil unit into a direct current power to generate the predetermined amount of power (paragraph [0081]).

Regarding claims 4 and 13; Fukumoto discloses that each finger-motion signal has a predetermined frequency depending on which finger is moved (column 6, lines 20-25). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Fukumoto's system to perform the same function using Vock's RFID movement monitoring system.

Regarding claim 5; Mori teaches a coil unit that is configured to be attached to the finger by an adhesive and a control unit (11A) that is configured to be positioned on top of the finger in the form of a chip as a means for attaching the coil to the finger. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Mori so that the coil is wound about the finger as a well known alternative form of attaching a coil to the body.

6. Claims 7-10 and 15-18 rejected under 35 U.S.C. 103(a) as being unpatentable over Fukumoto in view Mori and Vock as applied to claims 1-5 and 11-13 above, and further in view of Grimes (US 4,414,537).

7. Fukumoto as modified by Mori and Vock does not expressly disclose the various switch configurations set forth in claims 7-10 and 15-18. Grimes teaches switches that are configured to be mounted on a predetermined joint of the user's finger, the end of the user's finger, and between the adjacent fingers such that the switch is activated by the user flexing a joint, tapping, and/or contacting with another finger and/or thumb

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(column 1, line 66 to column 2, line 16). The configuration of switches of Grimes is easy to use (column 2, lines 44-49) and is efficient for data generation (column 2, lines 39-43). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have used switches mounted on a finger joint, end, or side as taught by Grimes in the apparatus and method of Fukumoto as modified by Mori and Vock to allow easy and efficient data generation.

### ***Response to Amendment***

8. Applicant's amendments and arguments/remarks were considered by the examiner but are moot in view of the new grounds of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ADAM J. EISEMAN whose telephone number is (571)270-3818. The examiner can normally be reached on Monday-Friday 9:00 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Max Hindenburg can be reached on (571)272-4726. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AE

4/25/2009

/A. J. E./

Examiner, Art Unit 3736

/Max Hindenburg/

Supervisory Patent Examiner, Art Unit 3736